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25 UNITED STATES DISTRICT COURT
26 FOR THE NORTHERN DISTRICT OF CALIFORNIA
27 SAN FRANCISCO DIVISION

28 AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,

Defendants.

Case No. 3:25-cv-03698-SI

**DECLARATION OF REGINA A.
ASMUTIS-SILVIA IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION**

DECLARATION OF REGINA A. ASMUTIS-SILVIA

I, Regina A. Asmutis-Silvia, declare as follows:

1. I make the following declaration from personal knowledge, information, and belief, and if called to testify, I could competently testify thereto.
2. I am a member of the Natural Resources Defense Council (NRDC), which I joined this year.
3. I have a Master of Science in Biology from Bridgewater State University (BSU). I have been active in marine mammal research, conservation, and education for over 34 years. I have also co-authored several publications in peer-reviewed journals that contribute to knowledge and conservation of marine mammals. I am based in Plymouth, Massachusetts.
4. I am the Executive Director and senior biologist for Whale and Dolphin Conservation, Inc. (WDC), North America. WDC, formerly known as Whale and Dolphin Conservation Society, is part of Whale and Dolphin Conservation's global network of charities based in the United States, the United Kingdom, Germany, and Australia. WDC North America is an IRS-recognized 501(c)(3) non-profit organization and is incorporated in Massachusetts, with its main office located in Plymouth.
5. I currently sit on the federally appointed Atlantic Large Whale Take Reduction Team, a multistakeholder team coordinated by the National Oceanic and Atmospheric Administration (NOAA) that works to reduce interactions between these marine mammals and commercial fishing gear. In this capacity, I advocate for fishing practices that reduce the risk of entangling North Atlantic right whales.
6. I am a U.S. Coast Guard-licensed operator for vessels up to 100 gross tons in near coastal waters up to 200 miles offshore.
7. I am authorized by NOAA to respond to stranded marine mammals (i.e., whales, seals, dolphins, and porpoises) along more than 200 miles of Massachusetts coastline. I manage the WDC Marine Animal Rescue and Response program, which NOAA has formally authorized

1 to respond to marine mammal strandings, consistent with the requirements of the Marine
2 Mammal Protect Act's (MMPA) prohibition against the take of marine mammals. WDC's
3 stranding agreement with NOAA covers a specific coastal area. Regions of coastline not
4 specifically designated to a stranding network partner are the responsibility of NOAA,
5 including in federal waters. NOAA's authorization process for approving and maintaining
6 WDC's stranding agreement is detailed and requires significant NOAA staff time.

7
8 8. In addition, I am a member of the International Fund for Animal Welfare's Stranding
9 Network and have assisted Network partners in necropsies of right whales and other marine
10 mammals.

11 9. Strandings are unfortunately common in my state; 47% of all strandings in the Greater
12 Atlantic region (Maine to Virginia) occur in Massachusetts. In 2024, we found 24 large
13 whales stranded in the state.

14
15 10. I rely on resources and services provided by NOAA, including NOAA's Office of Protected
16 Resources, which is charged with recovering and conserving marine species protected under
17 the MMPA and Endangered Species Act, to conduct response and rescue of stranded marine
18 mammals, and in my research and advocacy to promote marine mammal conservation.

19 11. When the WDC Marine Animal Rescue and Response program receives a report of a
20 stranding event, I am directly involved in locating the stranded marine mammal(s) (both
21 alive and dead), assessing their health, coordinating rescue and release, and/or collecting data
22 samples. In cases of mass strandings or other unusual stranding events, NOAA supports the
23 response by coordinating additional staff, resourcing equipment, and helping to facilitate
24 relocation and data collection. Sometimes when responding to a stranding event, having
25 NOAA support and immediate authorization makes the difference between saving animals'
26 lives or seeing them die.
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12. In the instances where I or another member of the WDC stranding team collect biological samples from these strandings, I rely on NOAA to support and coordinate all lab testing, enabling me to send samples for testing to ascertain cause(s) of injury or death. These data help me to understand what threats the population or species is facing and has been critical for my research and advocacy efforts to conserve them. I utilize this data in WDC's necropsy reports.
13. In my work responding to marine mammals that have been entangled by fishing gear, I rely on data and expertise from NOAA to help remove the fishing gear and ascertain its origins. Data regarding the source(s) of gear and which fisheries use the gear causing entanglements are essential to ensure that fishing regulations are appropriate and fishing practices that prevent further entanglements are promoted. This is particularly true for the critically endangered North Atlantic right whale, for which fishing gear is a primary cause of mortality in the species. As a member of a stranding network, my team and I are required to notify NOAA's gear team to remove, collect, and identify gear removed from entangled stranded whales and cannot independently facilitate the gear removal and identification.
14. When a reported animal has been stranded with fishing gear attached, staff from NOAA Office of Law Enforcement or other designated NOAA staff arrive on site to remove the gear. NOAA sends the gear directly to an expert employed by NOAA who works to identify the source(s) of the gear and which fisheries utilize the gear. I utilize these data in WDC's necropsy reports, which share information about the source(s) of the gear and inform NOAA regarding future management decisions needed for species conservation.
15. The latest available scientific estimate suggests that there were just under 370 surviving North Atlantic right whales at the beginning of 2023. Of these, fewer than 70 are reproductively active females.

- 1 16. The unprecedented loss of at least 80 endangered North Atlantic right whales known to have
2 been killed or seriously (i.e., likely lethally) injured since April 2017—a designated unusual
3 mortality event under the MMPA—has caused extreme alarm for me and other right whale
4 scientists. Based on necropsies, most right whale deaths for which a cause could be
5 ascertained directly resulted from human impacts and therefore were preventable.
6
- 7 17. Given the extremely limited number of surviving North Atlantic right whales and the
8 catastrophic risk that any additional harm poses to the species, I am particularly worried that
9 disruptions in data collection and fishing gear identification for entangled right whales will
10 reduce the Atlantic Large Whale Take Reduction Team’s ability, including my ability as a
11 member of this team, and NOAA’s ability to conserve this vulnerable species and will
12 ultimately quicken its path toward extinction.
13
- 14 18. I have deep aesthetic and recreational interests in observing, studying, and photographing
15 right whales and other marine mammals in their natural habitat. On average, I take my
16 personal 48-foot vessel out to look for whales six to twelve times each year between March
17 and November. I look forward to these trips year-round and take great enjoyment in being on
18 the water near the whales.
- 19 19. I enjoy boating, swimming, nature observation, photography, and other pursuits in and
20 around right whale habitat. I also enjoy whale watching and have worked as a naturalist, first
21 mate, and captain on whale watch vessels, providing me with many opportunities to see right
22 whales and visit their habitat. Over the past 34 years, I estimate that I have made more than
23 1,000 sightings of right whales in their natural habitat.
24
- 25 20. I enjoy watching right whales during the late winter and early spring each year on Manomet
26 Point, Cedarville, Herring Cove, and Race Point Beach and welcome the occasional sightings
27 of these whales at other times of the year. Whenever I am on the beach or on the water when
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1 right whales are likely to be present along the coast of Massachusetts, particularly in Cape
2 Cod Bay, I actively look for right whales and will continue to do so during the late winter
3 and early spring every year, as I did in this year and will continue to do in future years.

4 21. I am aware of press reports that NOAA is preparing to terminate more than 1,000 employees,
5 after losing about 2,000 staff members since this January.¹

6 22. I am further aware of press reports that cuts being made at the request of the Department of
7 Government Efficiency could include layoffs at and reorganization of the NOAA Office of
8 Protected Resources.² I am deeply concerned about critical NOAA services, including
9 marine mammal stranding response and fishing gear entanglement response, being
10 eliminated, reduced, or moved to another office that lacks sufficient expertise and capacity to
11 fill NOAA's role.

12 23. I am aware from press reports and personal communications that NOAA has terminated
13 several employees based in Massachusetts, with as many as 15 to 25 layoffs in March 2025.³

14 24. If NOAA proceeds with significant terminations and reorganization of the Office of
15 Protected Resources, I will be substantially less able to respond to stranded marine
16 mammals, particularly in instances of mass casualties or unusual stranding events where we
17 rely on NOAA staff and resources to conduct our response. I will also be unable to conduct
18 sufficient lab testing to better understand and respond to the threats these marine mammals
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23 ¹ Selina Wang and Kelly Livingston, NOAA braces for mass layoffs, fueling concerns about lifesaving weather
24 services, ABC NEWS (March 12, 2025), available at: <https://abcnews.go.com/Politics/noaa-braces-mass-layoffsfueling-concerns-lifesaving-weather/story?id=119730398>.

25 ² Rachel Frazin, Trump eyes major cuts to NOAA research, The Hill (April 11, 2025) (and cited sources),
26 available at <https://thehill.com/policy/energy-environment/5245481-trump-eyes-major-cuts-to-noaa-research>.

27 ³ Eve Zuckoff, Anxiety grows in Woods Hole as more science cuts loom, New Hampshire Public Radio (March
28 5, 2025), available at <https://www.nhpr.org/2025-03-05/anxiety-grows-in-woods-hole-as-more-science-cuts-loom>.

1 are facing. This will threaten conservation efforts for several marine mammal species,
2 including the critically endangered North Atlantic right whale.

3 25. If NOAA proceeds with significant terminations and a reorganization of the Office of
4 Protected Resources, my ability to remove and identify fishing gear from entangled stranded
5 whales, including potential strandings of North Atlantic right whales, will be substantially
6 reduced. Without sufficient NOAA resources and expertise, I will be unable to include
7 sufficient information regarding the source(s) of fishing gear in WDC's necropsy reports for
8 these individuals, and the gear identification data used to inform conservation decisions will
9 be compromised. This will adversely affect conservation and management decisions I
10 participate in as a member of the Take Reduction Team. It will also decrease the likelihood of
11 the right whale's survival and recovery.
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13 26. Any decreased likelihood of the right whale's survival and recovery will adversely affect my
14 enjoyment of studying, photographing, and observing right whales and my professional
15 objective of ensuring the successful conservation of the species.
16

17 27. I am also reasonably concerned that NOAA will be unable to process WDC's application to
18 renew its stranding agreement upon its expiration at the end of 2025 given reduced capacity
19 at the agency to properly support and evaluate applications subject to renewal. Without
20 authorization from NOAA, I will be unable to conduct any stranding responses for marine
21 mammals. Stranding events would go unaddressed, thus further threatening conservation
22 efforts for marine mammal populations.
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24 28. Additionally, without sufficient NOAA staff and resources conducting stranding responses in
25 NOAA-designated areas, as long we remain an authorized stranding response team at WDC,
26 I will have to spend more time responding to strandings outside of WDC's designated
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1 stranding agreement area. Already as of March 2025, WDC has received calls to respond to
2 strandings outside of its designated agreement area.

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4 I declare under penalty of perjury that the foregoing is true and correct and that this declaration was
5 executed on May 13, 2025, at Plymouth, Massachusetts.

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9 Regina A. Asmutis-Silvia
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